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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,018	03/13/2002	Christophe Nicolas	3829-049 NATL	4937

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EXAMINER	
HUSSAIN, FARRUKH	
ART UNIT	PAPER NUMBER
2444	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/088,018	NICOLAS ET AL.	
	Examiner	Art Unit	
	FARRUKH HUSSAIN	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 October 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-10,12-16 and 18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10,12-16 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in regards to the response received on 10/29/2009.

The office action of 06/19/2009 is withdrawn and the following action is taken.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1, 3-9, 10 and 12-15 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

4 Claims 1 fails the machine-or-transformation test which is a two-branched inquiry. It may be shown that a process claim satisfies 35 USC § 101 by showing that a claim is tied to a particular machine or by showing that a claim transforms an article into a different state or thing. See *Gottschalk v. Benson, 409 U.S. 63, 67 (1972)*. As to the first prong (machine), the Examiner cannot find any showing that these claims are attached to a specific machine. As to the second prong (transformation), the process claims do not transform a physical article into a different state or thing. The process claims are merely manipulating abstract data without regard to any physical article or object.

With respect to the claim 10, the claim recites a system for processing a chain of database management messages. However, the system consists of software only and is not tied to any hardware. All the elements recited are software, and a software is not

one of the four statutory categories "process, machine, manufacture or composition of matter". Thus the claim is non-statutory. See MPEP 2106.01.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 3-10, 12-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deiss (US 5,802,063), in View of Khan et al. (Khan) (US 6,654,422 B1) and Wong et al. (Wong) (US 5,978,787).

6. Regarding claim 1, Deiss disclosed a method and system of processing a chain of database management messages exchange between a management center and a plurality of distributed subscriber databases, wherein each management message member of this chain comprises a chain header and a chain identifier (see column 2, line 55 through column 3, line 6 Within every payload is a header which contains a continuity count, CC, modulo 16, and a TOGGLE flag bit which are program component specific.),

comprising creating a conditional block for each management message member of said chain, said conditional block indicating at least one of the following conditions : the management message member associated with the conditional block is to be processed without reference to all or part of other message members of the chain, (see

column 5, lines 11-63 FIG. 4 illustrates exemplary apparatus for detecting packets (process) which include conditional access information);

adding said conditional block to each of said respective management message members of said chain (column 5, lines 44-46 FIG. 4 illustrates exemplary apparatus for detecting packets (process) which include conditional access information); and

transmitting the chain of database management message between a management center and a plurality of distributed subscriber databases (see column 1, lines 57-61);

reading at a subscriber database, the conditional block of the received management message of said chain(column 11, lines 34-40 Memory read/write control is performed by the service pointer controller and direct memory access);

determining at a subscriber database whether processing of a received message is subject to a condition in the corresponding conditional block (column 7, line 30 through column 8, line 10 FIG. 5 is a flow chart of the operation of the conditional access filter 30. The process is started by the detection of the associated SCID.);

if the processing of the received message is not subject to a condition, immediately processing said message (column 7, lines 4-8);

if the received message is subject to a condition, determining from said table whether the condition has been fulfilled (column 5, lines 1-31);

if the condition has been fulfilled, immediately processing said message (column 5, lines 1-31);

Deiss fails to explicitly teach the management message member associated with the conditional block is to be processed with reference to at least one of other message members of the chain; at least one management member of the chain containing a conditional block indicating a condition wherein said management message member is to be processed with reference to at least one of other message members of the chain;

However, Khan teaches or suggests the management message member associated with the conditional block is to be processed with reference to at least one of other message members of the chain; at least one management member of the chain containing a conditional block indicating a condition wherein said management message member is to be processed with reference to at least one of other message members of the chain(see column 2, lines 15-35 The sequence number associated with (reference) the most recent data that has been received success and see column 4, lines 7-23 The header field specifies conditions such as whether the data message is new data and see column 5, lines 48-62 In this case, a block size contains a fixed number of bytes B.).

Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Khan to utilize the processed with reference feature within a chain of database management messages exchange taught by Deiss. The motivation for this would have been to use the concept of variable size sequence numbers where transmissions are made with set block sizes (see column 4, lines 7-23 The header field specifies conditions such as whether the

data message is new data and see column 5, lines 48-62 In this case, a block size contains a fixed number of bytes B.)

Deiss also fails to explicitly teach if the condition has not fulfilled, locally storing said message and later processing the message when the condition is fulfilled.

managing a table in the subscriber database, containing an information representing a processing state of each member of the chain;

determining from said table which are the message members of said chain that have been processed;

updating said table when a message member of said chain is successfully processed.

However, Wong teaches or suggests if the new report does not satisfy a set of conditions. (see column 7, lines 45-65 if the new report does not satisfy a set of conditions)

managing a table in the subscriber database, containing an information representing a processing state of each member of the chain (see column 2, lines 27-35 The report table includes a set of report parameters);

determining from said table which are the message members of said chain that have been processed(see column 2, lines 27-35 The report table includes a set of report parameters.);

updating said table when a message member of said chain is successfully processed (see column 2, lines 27-35 The report table includes a set of report parameters and see column 6, lines 62-67 table is updated according to steps 320).

Therefore, it would have obvious to a person of ordinary skill in the art at the time of invention was made to have been combined the teachings of Karasudani to utilize the store into the second storage section feature and managing a table feature within a chain of database management messages exchange taught by Deiss. The motivation for this would have been to provide the contents of a report associated with the report (see column 2, lines 27-35 The report table includes a set of report parameters and see column 6, lines 62-67 table is updated according to steps 320.)

7. Regarding claim 3, Deiss disclosed the method and system further comprising the steps of resetting said table either on request of the managing center or after a predefined time (see column 8, lines 11-20).

8. Regarding claim 4, Deiss disclosed the method and system wherein the subscriber database is connected to a subscriber unit and wherein it comprises the step of memorizing the management messages in a memory of the subscriber unit and of presenting them on request to the subscriber database (see column 3, line 66 through column 4, line 67).

9. Regarding claim 5, Deiss disclosed the method and system further comprising the steps of memorizing incoming messages in series, each incoming message causing an increment of a stack pointer of incoming messages, and of allowing a direct access to the messages requested by the subscriber database (see column 4, lines 11-25; column 8, lines 11-20; column 9, lines 56-63).

10. Regarding claim 6, Deiss disclosed the method and system wherein the memory of the subscriber unit is configured as a serial buffer memory having a fixed length (see column 4, lines 12-25; column 8, lines 11-20).

11 .Regarding claim 7, Deiss disclosed the method and system further comprising the steps of receiving in the subscriber database, a message member of a chain, and of allocating in the subscriber unit, the memory necessary for receiving all the members of this chain (see column 4, lines 11-25; column 8, lines 11-20; column 9, lines 56-63).

12. Regarding claim 8, Deiss disclosed the method and system further comprising the steps of requesting the subscriber module to compose a management message describing its software and hardware resources and of sending said message either to the subscriber database or to the management center (see column 4, lines 42-67).

13. Regarding claim 9, Deiss disclosed the method and system wherein the request is transmitted, either by the management center under the form of a management message, or by the subscriber database under the form of an instruction on an I/O line (see column 4, lines 42-67).

14. Independent claims 10, 16, and 18 as well as their dependent claims recite substantially the invention of claims 1 and 3-9. Accordingly, these claims are rejected under the same rationale detailed above.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARRUKH HUSSAIN whose telephone number is (571)270-5652. The examiner can normally be reached on Monday-Thursday, Alt. Friday, 7:30 A.M-5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. H./
Examiner, Art Unit 2444
11/09/2009

/TAMMY T NGUYEN/
Primary Examiner, Art Unit 2444